

## **REMARKS**

In response to the above Office Action, claim 1 has been amended to limit the claimed container to a "sterilized bottle" and claim 2 has been amended to depend from claim 1. Support for the amendment to claim 1 can be found in claims 17 and 18 which have been cancelled.

In the Office Action, the Examiner rejected claims 1-5 and 7-17 under 35 U.S.C. §102(b) for being anticipated by U.S. Patent No. 5,380,803 to Coutant et al, hereafter Coutant. Now that the subject matter of claim 18 has been included in claim 1 and claim 2 made dependent therefrom, it is submitted this rejection is moot. Withdrawal of Coutant as a ground of rejection under §102(b) is therefore requested.

Claims 1-18 were also rejected under 35 U.S.C. §103(a) for being obvious over Coutant. However, it is believed the claims are not obvious over Coutant for the following reasons.

As explained beginning on page 3, line 9 of the specification, resins of higher densities are desirable in bottles that have to be sterilized, e.g., milk bottles, because they can be treated at higher temperatures. This reduces sterilization time and increases output. However, as also explained, increasing the density of the resins used to make the bottles, reduces their stress crack resistance.

Applicant discovered that with the claimed resin compositions of the present invention, the density of the resins could be increased without reducing their stress crack resistance. They also have a greater stiffness than milk bottles made from conventional monomodal resins. This combination of features gives them a significant advantage over such conventional milk bottle resins.

This is supported by the data in Table 1 where it can be seen that the resins of Examples 1-3 had substantially better stress crack resistance than the Comparative Example 6 and that the resin of Example 2 had a better stiffness than that of Example 6.

There is nothing in Coutant that would suggest these benefits could be obtained from the claimed resin compositions. While Coutant may disclose similar resins and teaches they can be used to make "bottles," column 2, line 6, the purpose is to provide improved "optical properties" and other "physical properties." While the Examiner apparently believes "physical properties" can be read to cover any properties, it is clear from a reading of Coutant that what the patentee meant by the term was the "processability" of the disclosed resins. See, for example, Table III in column 12 of the reference and the properties of transparency and processability attributed to the various resins, as well as the comments about these properties of the resins in column 12, lines 26-31.

It is clear, therefore, that what Coutant was seeking to improve was the transparency and processability of the disclosed resins. There is nothing in the reference that even remotely suggests that the claimed multimodal polyethylene compositions having the specific properties claimed would be suitable for making sterilized bottles. The Examiner comments in paragraph 15 of the Office Action that this would be obvious to a person skilled in the art "since all bottle need to be sterilized." That may be true for many bottles, but that does not mean that one skilled in the art looking at the disclosure of Coutant would have realized that the claimed composition could be used to make bottles that could not only be sterilized at high temperatures, but would also have superior crack resistance.

Accordingly, it is submitted that the claimed sterilized bottles cannot be considered obvious over Coutant. Its withdrawal as a ground of rejection §103(a) is therefore requested.

It is believed claims 1-16 are in condition for allowance.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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